

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 1378 OF 2006**

Shri Umesh Sayajirao Salunke. ...Applicant  
V/s.  
The State of Maharashtra. ...Respondent

Shri P.B. Shah for Applicant.  
Ms.M.M. Deshmukh, APP for the State.

**CORAM : V.M. KANADE, J.**

**DATED : APRIL 10, 2006**

**P.C. :-**

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant was arrested on 3rd August, 2005 for the offence punishable under Sections 364A, 342 read with Section 34 of the IPC.

2. It is alleged by the complainant that one Shailesh was abducted by the present applicant and was taken to unknown place where he was assaulted and the applicant demanded ransom from the parents.

3. Learned Counsel for the applicant, on the other

hand, submits that the said Shailesh owed some money to the applicant and it cannot be said that he was abducted for the purpose of extortion. It is submitted that the highest could be said that he had demanded the money which was due to him from said Shailesh. He submitted that therefore, offence under Section 364A is not made out. Apart from that charge-sheet also has been filed.

4. Considering the facts and circumstances of the case, in my view, this is a fit case particularly when the complaint was lodged after a delay of seven days, it was possible that the said Shailesh owned some money to the present applicant. Prima facie, in my view, the offence under Section 364A is not made out.

5. The applicant be released on bail in the sum of Rs.10,000/- with one or two sureties in the like amount. The applicant shall report to the concerned Police Station once in a month. The applicant shall not tamper with the evidence or threaten the witnesses. If any complaint is received against him by the Investigating Officer, liberty is granted to the Public Prosecutor to

apply for cancellation of bail.

6. The trial Court shall not be influenced by any observations made by this Court while deciding this application and they shall not be construed as an expression of opinion on merits of the case.

. The application is disposed of in the above terms.

**(V.M. Kanade, J.)**